

No. XXV.

ANATOMY.

An Act to authorize the establishment of Schools of Anatomy and to regulate the practice of Anatomy therein. [5th April, 1881.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Short title.

1. The short title of this Act shall be the "Anatomy Act of 1881."

Interpretation.

2. In the construction of this Act the word "Governor" shall mean the Governor with the advice of the Executive Council. The word "body" shall mean dead human body. "Legally qualified medical practitioner" shall mean any person duly registered under the provisions of the Acts in force in the colony for that purpose. The word "Anatomy" shall mean anatomy of the human body only.

Governor to authorize establishment of Schools of Anatomy.

3. The Governor may authorize the establishment of schools of anatomy where the study and practice of anatomy may be carried on in connection with any University or School of Medicine in such place or places and upon such conditions as the Governor shall think fit and may at any time revoke such authority.

Governor to grant licenses to practice anatomy.

4. The Governor may grant a license to practise anatomy in any such School of Anatomy on such conditions for such period and subject to revocation in such manner as may be therein expressed to any graduate or licentiate in medicine or surgery or to any legally qualified medical practitioner or any medical practitioner in New South Wales or to any legally qualified professor or teacher of anatomy medicine or surgery or to any student attending any school of anatomy on application from any such person for such purpose countersigned by two Justices of the Peace certifying that to their knowledge or belief such person so applying is a fit person to be so licensed.

Governor to appoint Inspectors of Schools of Anatomy.

5. The Governor may appoint from time to time an inspector or inspectors of Schools of Anatomy and may direct what schools every such inspector shall superintend and in what manner every such inspector shall transact the duties of his office.

Inspectors to make returns of subjects for anatomical examination.

6. Every inspector shall make a quarterly return to the Registrar General of every body that has been removed for anatomical examination to any such School of Anatomy as aforesaid distinguishing the sex and as far as is known the name and age of each person whose body was so removed as aforesaid.

And to inspect Schools of Anatomy.

7. It shall be lawful for every such inspector to visit and inspect at any time any School of Anatomy for which he is appointed inspector.

Persons having lawful custody of bodies may permit them to undergo anatomical examination in certain cases.

8. It shall be lawful for any executor or other person having lawful possession of the body of any deceased person and not being an undertaker or other person entrusted with the body for the purpose only of interment to permit the body of such deceased person to undergo anatomical examination unless to the knowledge of such executor or other person such deceased person shall have expressed his desire either in writing at any time during his life or verbally in the presence of two or more witnesses during the illness whereof he died that his body after death might not undergo such examination or unless the surviving husband or wife or any known relative of the deceased person shall require the body to be interred without such examination.

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9. If any person in writing attested by two or more witnesses shall direct that his body be examined anatomically or shall nominate any person by this Act authorized to examine bodies anatomically to make such examination and if before the burial of the body of such person such direction or nomination shall be made known to the person having legal possession of the dead body then such last-mentioned person shall direct such examination to be made and in case of any such nomination as aforesaid shall request and permit any person so authorised and nominated as aforesaid to make such examination unless the deceased person's surviving husband or wife or nearest known relative or any one or more of such person's nearest known relatives being of kin in the same degree shall require the body to be interred without such examination.

Provision in case of persons directing anatomical examinations after their death.

10. In no case shall the body of any person be removed for anatomical examination from any place where such person may have died until after twelve hours from the time of such person's decease nor until after six hours' notice to the inspector or inspectors of the district of the intended removal of the body or if no such inspector have been appointed or such inspector shall reside at a greater distance than ten miles from the place of death then to the legally qualified medical practitioner or stipendiary magistrate nearest to the place of death nor unless a certificate stating in what manner such person came by his death shall previously to the removal of the body have been signed by the legally qualified medical practitioner who attended such person during the illness whereof he died or if no such practitioner attended such person during such illness then by some such practitioner or some stipendiary magistrate who shall be called in after the death of such person to view his body and who shall state the manner or cause of death according to the best of his knowledge and belief but who shall not be concerned in examining the body anatomically and in case of such removal such certificate shall be delivered together with the body to the person receiving the same for anatomical examination.

The body not to be removed from the place where such person may have died without a certificate.

11. It shall be lawful for any legally qualified medical practitioner or any professor teacher or student of anatomy medicine or surgery having a license from the Governor to receive or possess for anatomical examination or to examine anatomically the body of any person deceased if permitted or directed so to do by a person who had at the time of giving such permission or direction lawful possession of the body and who had power in pursuance of the provisions of this Act to permit or cause the body to be so examined and provided such certificate as aforesaid were delivered by such person together with the body.

Who may receive bodies for anatomical examination.

12. Every person so receiving a body for anatomical examination after removal shall demand and receive together with the body a certificate as aforesaid and shall within twenty-four hours next after such removal transmit to the Inspector of the district such certificate and also a return stating at what day and hour and from whom the body was received the date and place of death the sex and (as far as is known at the time) the christian and surname age and last place of abode of such person or if no such inspector have been appointed to the legally qualified medical practitioner or stipendiary magistrate residing nearest to the place to which the body is removed and shall enter or cause to be entered the aforesaid particulars relating thereto and a copy of the certificate he received therewith in a book to be kept by him for that purpose and shall produce such book whenever required so to do by any inspector so appointed as aforesaid.

Such persons to receive with the body a certificate as aforesaid which shall be transmitted to the Inspector.

13. It shall not be lawful for any person to receive or possess for anatomical examination or examine anatomically any body except at such place or places as are authorised for that purpose as provided for in the third section of this Act.

Anatomical examinations to be carried on only at places licensed.

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Persons practising anatomy to do so in orderly and decent manner.

14. All persons who shall carry on and practise anatomy shall do so in such a way as to avoid unnecessary mutilation of any bodies that they may be examining anatomically and shall conduct such examinations in an orderly quiet and decent manner and it shall be lawful in addition to the penalties hereinafter provided to deprive any person of his license who shall offend against the provisions of this section or any of the provisions of this Act.

How bodies are to be removed for examination. Provision for interment.

15. Every such body removed for the purpose of examination shall before such removal be placed in a decent coffin or shell and be removed therein and the person removing the same or causing the same to be removed shall make provision that such body after undergoing anatomical examination be decently interred in consecrated ground or in some public burial-ground in use for persons of that religious persuasion to which the person whose body was so removed belonged and that a certificate of the interment of such body shall be transmitted to the inspector of the district within six weeks after the day on which such body was received or within such other time as the Governor by notice in the *Gazette* shall appoint.

Persons only authorized not to be liable to punishment for having in their possession human bodies.

16. No person having a license from the Governor shall be liable to any prosecution penalty forfeiture or punishment for receiving or having in his possession for anatomical examination or for examining anatomically any body if the possession of such body be according to the provisions of this Act.

Post mortem examination not prohibited.

17. Nothing in this Act contained shall be construed to prohibit any *post mortem* examination of any body required or directed to be made by any competent legal authority.

Limitation of actions.

18. If any action or suit shall be commenced or brought against any person for anything done in pursuance of this Act the same shall be commenced within six months next after the cause of action accrued and the defendant in every such action or suit may plead the matter specially or may plead the general issue and give the special matter in evidence at any trial to be had thereupon.

Offences.

19. Any person offending against the provisions of this Act shall be deemed guilty of a misdemeanor and shall be punished by imprisonment for a term not exceeding three months or by a fine not exceeding fifty pounds.

Governor may make regulations and orders.

20. In all cases in which no provision or no sufficient provision is in the opinion of the Governor made by this Act it shall be lawful for the Governor to make and prescribe all such regulations and orders either general or applicable to particular cases only as the Governor shall think fit and all such regulations and orders shall be published in the *Gazette* and being so published shall have the force of law and the breach of any of such regulations and orders shall be punishable by a penalty not exceeding five pounds.

Authorities of schools to make rules for study and discipline.

21. It shall be lawful for the governing authorities of any authorized school of anatomy with the approval of the Governor to make rules for enabling the study and practice of anatomy to be properly carried out and discipline to be maintained at such school and to impose a penalty not exceeding five pounds for the breach thereof. All such rules shall fix a date on which the same shall come into force and upon the date so fixed and after their publication in the *Gazette* such rules shall be in force in the school to which the same shall relate.

Penalties how recoverable.

22. The penalties authorized by the last two preceding sections may be recovered in a summary way before any two Justices of the Peace.